

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §
 McCOLLUM, individually, and STEPHANIE §
 KINGREY, individually and as independent §
 administrator of the Estate of LARRY GENE §
 McCOLLUM, §

PLAINTIFFS

V.

BRAD LIVINGSTON, JEFF PRINGLE, §
 RICHARD CLARK, KAREN TATE, §
 SANDREA SANDERS, ROBERT EASON, the §
 UNIVERSITY OF TEXAS MEDICAL §
 BRANCH and the TEXAS DEPARTMENT OF §
 CRIMINAL JUSTICE. §

DEFENDANTS

CIVIL ACTION NO.
4:14-cv-3253
JURY DEMAND

**PLAINTIFFS' RESPONSE TO TDCJ'S MOTION TO DESIGNATE DEAN
RIEGER AS A LATE EXPERT &
PLAINTIFFS' MOTION TO STRIKE LATE EXPERT DESIGNATIONS OF
LANNETTE LINTHICUM, PHYLLIS MCWHORTER, ROBERT WILLIAMS,
DEAN RIEGER, AND JOHN NIELSEN-GAMMON**

Exhibit 5



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 25, 2014

Jeff Edwards
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702-1908

**Re: Civil Action No. 3:12-CV-02037; *Stephen McCullom, et al. v. Brad Livingston, et al.*;
Filed in the USDC – Northern District of Texas, Dallas Division.**

Dear Jeff:

I am in receipt of your 2/13/2014 letter regarding experts. As you know, Dr. Tito Orig and P.A. Babbili are treating physicians and not required to provide reports under the rules. Dr. Adams has provided a report. I will de-designate Murray and Linthicum and McWorter as experts. I will re-designate them as fact witnesses. I actually never intended that they provide expert testimony, but designated them, out of an abundance of caution, because of their advanced educations.

Sincerely,

KIM COOGAN
Assistant Attorney General
Law Enforcement Defense Division
(512) 463-2080 / (512) 495-9139 Fax

KC/de

c: File